

RESPONSE UNDER
37 C.F.R. §1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 1617

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Docket No. 44657-AAA-PCT-US/JPW/GJG/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger
Serial No.: 10/052,961 Group Art Unit: 1617
Filed : January 18, 2002 Examiner: S. Wang
Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY
VIRUS-TYPE 1

30 Rockefeller Plaza, 20th Flr.
New York, New York 10112
February 3, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR TWO-MONTH EXTENSION OF TIME

This Petition is submitted in connection with the Office Action issued September 3, 2008 by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the September 3, 2008 Final Office Action was due December 3, 2008. Applicant hereby petitions for a two-month extension of time to respond. The fee for a two-month extension of time for a small entity is TWO HUNDRED AND FORTY-FIVE DOLLARS (\$245.00), and a check for this amount is enclosed. With a two-month extension of time, a response to the September 3, 2008 Final Office Action is now due February 3, 2009.

Accordingly, this Petition is being timely filed.

02/10/2009 CCHAU1 00000046 10052961

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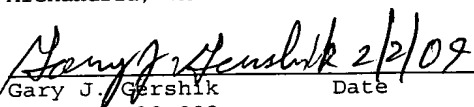
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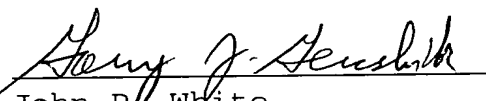
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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$245.00 for a two-month extension of time, is deemed necessary in connection with the filing of this Petition. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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| I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: | |
| Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | |
|  Gary J. Gershik Reg. No. 39,992 | <u>2/2/09</u> Date |


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